

EECBG Questions and Answers

This document contains questions received from municipalities on the EECBG program, including webinars, those previously posted on Comm-PASS, and other questions posed to Contract Managers via e-mail. Newly posted questions are at end of document. Please review ENTIRE document and check back frequently for newly posted Questions and Answers at end of document. (newly posted question going forward from Aug 2nd will be noted with date of addition)

EECBG Compliance Webinar Questions – 5/11/10

1. Do towns have to register with the State's prevailing wages website?

No, towns do not need to register with the State's prevailing wage system to view prevailing wage information; as noted in the example in the webinar you can "continue without registering" to obtain the wage information. However, registration is recommended.

2. Do all MBE and WBE requirements typical in State grants apply? If yes, where do we find those requirements?

No, these requirements do not apply in a grant relationship and are only a requirement for state contracts. A grantee should check to see if they have their own diversity/affirmative market procurement regulations.

3. For an \$800,000 project with a \$150,000 grant, does the Buy American apply to the entire project or just the \$150,000?

Projects supported in full OR in part by EECBG funding are subject to ARRA terms such as Buy American and Davis Bacon/Prevailing Wages. To note with examples, for performance contracts, ARRA terms do not apply to the entire performance contract but only the smaller projects/measures which are being supported by EECBG funds.

→ Performance Contracting Example: Town X is using \$150,000 of EECBG funds to support the installation of 3 boilers, with a total project cost of \$300,000. The definition of "project" in this case is the replacement of 3 boilers. If this \$300,000 project is part of a performance contract totaling \$800,000, then the other \$500,000 of projects is not subject to ARRA terms.

→ Solar PV Example: Town X is using \$150,000 of EECBG funds to support the installation of a large-scale PV system. The total project cost is \$800,000. ARRA terms will apply to the entire project.

4. When will the 50% be deposited into the DUNS and can we start the job before the funds are deposited?

Funds will be deposited after the Grantee has met the following requirements and they have been approved by DOER:

- Documentation has been provided to demonstrate that all contract contingencies have been satisfied.*
- A project budget has been provided, that, at a minimum, contains the information in the template provided by your Contract Manager in their e-mail of May 3rd.*
- Documentation has been provided by Grantee's Accountant or Treasurer attesting that a separate segregated account has been established for these funds. This is to prevent comingling of ARRA funds with other municipal funds.*

Once these documents have been submitted and approved by your contract manager, DOER will initiate a transfer of funds to the Grantee's primary account. At this point, the town will need to transfer these funds to their established separate account.

Any work begun before these items have been satisfied and funds have been disbursed is at the Grantee's risk.

5. Where will this slideshow be posted? When can we get it for presentation to the appropriate town personnel?

An E-Mail was sent to the town containing a link to the webinar presentation, as well as an updated vendor weekly reporting spreadsheet and the Davis Bacon poster which must be posted in the workplace.

6. Can you choose an alternate site for the installation of a solar array?

No, you may not choose an alternate site for the installation of the array. The town was awarded a grant based on the information presented in the application and changing the location of a project would change the basis of the evaluation for the award.

7. Do all vendor hours for all employees count towards jobs created or retained?

Sub-recipients will be required to report job hours created or retained on a monthly basis to their contract manager in the monthly spreadsheet provided by DOER. These hours are strictly those wages paid using EECBG grant funds, and not all hours worked for a performance contract or large solar PV project leveraging funds from other sources to pay wages. If this person was employed by the contracted vendor prior to February 17, 2009, then they classify as a retained employee; if they were hired after this date, then it is a created job through the life of the EECBG contract with DOER.

8. Can you give me more detail on the Buy American program?

The following links provide more information about the Buy American program:

<http://management.energy.gov/documents/ARRAGuideAttachment10v1.pdf>

http://www.gc.energy.gov/GCHotlineFAQ%20.htm#Buy_America

http://www1.eere.energy.gov/recovery/buy_american_provision.html

9. Monthly reporting – ALL – Does this include administrative and contract management?

Monthly reporting should encompass all activities under the EECBG grant. For Monthly Jobs Reporting, this should include any positions funded by the EECBG grant.

10. Can the grantee hire a project coordinator? Funds covered under administrative costs?

Sub-recipients may hire project coordinators or other staff using EECBG grant funds and charge this towards administrative costs; however, no more than 10% of total awarded grant funds may be expended on administrative costs.

11. In the case of performance contracts, the invoices you need from us are just the ESCO invoices or are you also looking for the ESCO's equipment invoices from their vendors?

The monthly report will include invoices for equipment ordered for the project which is being paid for by EECBG funds. So if the equipment is being paid for by the EECBG grant then those invoices should be included. The vendor will be required to affix the attestation that the equipment they have ordered meets the Buy American provisions to each weekly invoice.

12. If a weekly report covers a period with days in both months, which month should the information be reported in? i.e. Monday and Tuesday are in May and Wednesday through Friday are in June.

Your contract manager has provided you with a spreadsheet for your vendors to use to track Davis Bacon/MA Prevailing Wage hours worked on your EECBG funded project, titled "vendor weekly payroll reporting." The vendor must complete one payroll document for each work week, although some weeks will include dates that fall into two months. The vendor will submit (2) two original hard copies of these weekly payroll documents to the town. Please submit one original copy of this payroll document to your contract manager with your monthly report via USPS.

Example:

				Hours Worked Each Day							Total ST Hours Worked
Name of Worker	Last 4 Digits of SS#	# of Withholdings	Work Classification	Mon	Tue	Wed	Thu	Fri	Sat	Sun	
				5/30/10	5/31/10	6/1/10	6/3/10	6/4/10	6/5/10	6/6/10	
				Standard Time Hours							
Joe Builder (example)	4432	2	Solar Installer	2.00	4.00	5.20	3.00	12.00	8.00	0.00	34.20

On June 10, towns will be required to submit vendor payroll documents up to and including the workweek ending 5/29/10. On July 10, towns will be required to submit vendor payroll documents for workweeks 5/30/10-6/5/10, 6/6/10-6/12/10, 6/13/10-6/19/10, 6-20/10-6/26/10.

The vendor weekly payroll reporting will not necessarily be the same as the Monthly Job Reporting hours retained/created. Vendors are required to submit payroll records for the entire project supported either fully or partially by EECBG funds. The vendor weekly payroll reporting covers the entire project funded by EECBG until the project is complete. For example, if EECBG is only funding 3 boilers with a total cost of \$300,000 as part of a larger performance contract (say \$1,000,000), the weekly payroll reporting requirements cover all labor expended on that specific 3 boiler project until the project is complete, e.g. the \$300,000 total project cost is spent. Monthly job hours created/retained are reporting only for those jobs funded specifically using EECBG funds.

13. Please explain again how we enter weekly information on the Monthly Job Report where there is only 1 week listed.

For the Monthly Job Reporting, the town will only need to report job hours created/retained for wages that were paid specifically out of EECBG funds. See the example below for how to enter this information on a monthly basis

Example of Monthly Report Entries:

Name of Worker		Job Hours Created or Retained?		Hours Worked Each Day							Total ST Hours Worked
				Mon	Tue	Wed	Thu	Fri	Sat	Sun	
				Standard Time Hours							
Joe Builder (week 1)	Retained			5.20	3.00	12.00	8.00	0.00	28.20		
Joe Builder (week 2)	Retained	5.00	6.00	7.00	8.00	9.00	9.00	0.00	44.00		
Joe Builder (week 3)	Retained	5.00	6.00	7.00	8.00	9.00	9.00	0.00	44.00		
Joe Builder (week 4)	Retained	9.00	1.00						10.00		

14. What if the project as originally presented is infeasible due to engineering issues? Can a change in project scope/approach be made in the contract?

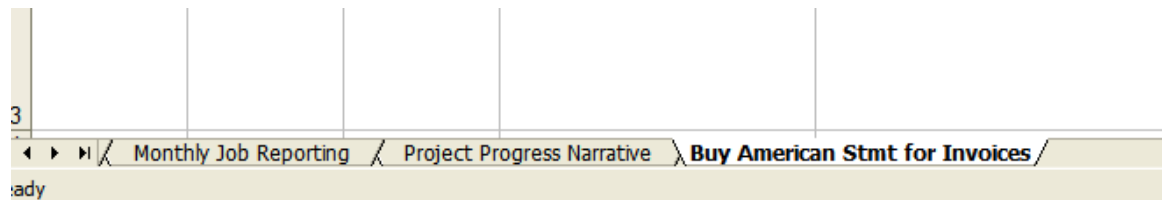
Grant award decisions to fund a project were based on the information contained in the application. Therefore, any changes to the project scope must be within what was described in the application for the project. Potential changes to a project scope must be presented to your Contract Manager for consideration and decisions for changes will be made based on what was contained in the application.

15. Is it possible to get a copy of this power point presentation?

An E-Mail was sent to the town containing a link to the webinar presentation, as well as an updated vendor weekly reporting spreadsheet and the Davis Bacon poster which must be posted in the workplace. The webinar has been posted to www.mass.gov/energy/greencommunities under the “News & Updates” section.

16. Where is the Buy-American certification located?

The Buy American certification is located in the “Sub-Recipient Monthly Report” spreadsheet under the “Buy American Statement for Invoices” tab (see below).



17. Are the Davis Bacon rates fixed the period of the contract, or do they need to be updated periodically? If they need to be updated, how frequently?

Davis Bacon/MA Prevailing Wages must be included in the procurement that is issued for the project and at a minimum, updated at the time of contract signature. Davis Bacon wages are not fixed and subject to change. Wage determinations are posted to the Department of Labor website every Friday at 9am. DOER is requesting further guidance regarding any requirements for future updates of Davis Bacon wages beyond contract execution with your vendor, but until further guidance is received, towns should check for Davis Bacon updates to ensure compliance with the most recently available rates. The MA Prevailing wage rates available at the time of contract execution are the applicable rates that can remain fixed throughout the life of the contract, and no updates are required. The higher of the Davis Bacon and MA Prevailing wages are what the vendor is required to pay.

18. Do we have to get you the budget before the funds are dispersed?

Yes, towns must submit a project budget to their contract manager before the first disbursement of 50% of funds will be released. Additionally, documentation satisfying any contract contingencies and a document certifying that a separate, segregated account for EECBG funds has been established will be required prior to funding dispersal.

19. Do you prefer the budgets (and weekly/monthly reports) be sent electronically or via mail?

The project budget, contingency documentation, and a letter from the Town Accountant/Treasurer verifying that a separate, segregated account for EECBG funds has been established may be submitted via Email to your contract manager as soon as they become available. The original letter from the Town Accountant/Treasurer should also be sent via mail to your contract manager.

All sub-recipients are required to submit an electronic copy of the monthly reporting spreadsheet to their contract manager by the 10th day of the following month. Additionally, sub-recipients are required to submit original hard copies of weekly certified payroll from vendors AND a hard copy of the monthly spreadsheet to their contract manager by the 10th day of the following month.

20. We would like to change the mounting structure of the solar panels. What is the process for changes to the original submission? The change will not change the electrical characteristics of the system.

This request with further information on the specific change should be submitted to your Contract Manager for review.

21. Where can we find the “Buy American” requirements? Is the requirement for job posting for jobs to be filled by contractors/vendors or town positions?

The Buy American requirements are contained in section V.15 and V.16 of your contract.

The job posting requirement must be fulfilled by all parties posting job openings for positions funded in part or in full by EECBG funds. This includes the municipality as well as any vendors the municipality contracts with for their EECBG funded project. Open positions must be posted at www.mass.gov/jobquest.

22. Under your procurement requirements can a town secure design services that lead to construction (under \$10,000 in value)? Can the town then use that design firm to develop a bid specification and RFR to secure a contractor/vendor?

Procurements must adhere to MA General Laws and include the ARRA requirements contained in your EECBG contract with DOER. Procurements done under MGL Ch 25a are a design-build process using either a Request for Proposal or a Request for Qualifications with no other bidding requirements. For more questions on procurements under MGL Ch 25a, please contact Eileen McHugh, Eileen.mchugh@state.ma.us. Procurements that secure design services separately are done under MGL Ch 149. For further question on this type of procurement please contact the AG's office, Deborah Anderson, 617-727-2200 ext 2371 or Brian O'Donnell, 617-727-2200 ext 2340.

23. Are the owner's agents participating in this webinar?

Yes, the Owner's Agent consultants participated in the webinar.

24. When will contracts be sent out?

Executed contracts were mailed to towns during the week of 5/3/10.

25. If our contract with our ESCO includes a blanket statement that the ESCO must comply with any and all requirements imposed as a result of receipt of ARRA funding, does that cover us or does the language need to be more specific?

You must include all of the ARRA terms and conditions in your contracts with vendors working on EECBG funded projects. In addition, you should include a provision that says if the town is notified of additional ARRA requirements by the either the Commonwealth or the Federal government, such additional ARRA requirements will become a part of the contract with the ESCO. Please note, the ARRA requirements only apply to the specific projects funded by EECBG funds in the contract, not the entire Performance Contract. Your contract with the ESCO should reflect this as appropriate

26. Are the "engineering services that lead to construction" subject to Davis Bacon requirements?

Davis Bacon/MA Prevailing Wages apply to laborer and mechanic positions. Review the Davis Bacon/MA Prevailing Wage job categories/rates obtained at the websites to determine if the types of positions used for your engineering services fall under the categories listed.

27. Can we narrow the scope of what EMS we will be installing for an ESCO based on the reporting requirements through ARRA to 1 or 2 buildings rather than all of the buildings?

See general guidance provided above in Question 14. Specific scope changes must be presented to your Contract Manager for review and consideration.

28. Must the wages of a part-time administrator submitting the monthly reports comply with Davis Bacon?

Davis Bacon/MA Prevailing Wages apply to laborer and mechanic types of positions. They do not apply to administrative positions.

29. Do you need some form of request for funds for the first 50% installment?

No. Towns must submit a project budget to their contract manager before the first disbursement of 50% of funds will be released. Additionally, documentation satisfying any contract contingencies and a document certifying that a separate, segregated account for EECBG funds has been established will be required prior to funding dispersal.

30. Do administrative hours also count towards jobs retained information requirements?

Any position, including administrative, that is funded by EECBG must be reported in the Monthly Job Reporting spreadsheet. If this person was employed by some entity prior to February 17, 2009, then they classify as a retained employee; if they were hired after this date, then it is a created job.

EECBG Webinar Questions – 6/10/10

Topic: Massachusetts Recovery Office Quarterly Report for EECBG Grantees

1. Multiple projects in one town – Primary Location? How do you enter that into primary place of performance? What if you have multiple project locations?

For a project with multiple locations, use the primary location as the project address.

2. Is this hours from everyone, not just contractors?

Hours should be included for all ARRA funded positions

3. Is our VC on our state contract with DOER?

The VC number is on the DOER contract, page 2, under Vendor Code.

4. Please talk about the relationship between jobs created and the grant administration position.

The purpose of the MA Recovery database quarterly report is to collect information on ARRA funded hours worked and stimulus funds spent. If a subrecipient is using a portion of their EECBG grant to pay for a grant administration position, then the hours for this position should be included in the MA Recovery database. Jobs should be reported as created or maintained if they were not in existence at the start of the ARRA program, which is February 17, 2009.

5. For those of us in ESCOs, do we report the name of the ESCO and subsequently the vendors they hire?

Is ESCO considered the sub-recipient vendor or the same as sub-recipient?????

The sub-recipient is the municipality. An ESCO would be considered a sub-recipient vendor. If a sub-recipient has contracted with a vendor or general contractor to do some work, that contractor would be classified as a sub-recipient vendor (SRV). If the contractor further contracts with a subcontractor, and those subcontractor hours are supported by ARRA funds, the subcontractor hours can be reported in the SRVs overall job hours. Feel free to use the job groupings to distinguish them if that is helpful.

6. We have a prime vendor for our performance contracting project. And that vendor is employing subcontractors. Where do we report the subcontractor labor – under the sub-recipient vendor tab?

Please see answer to Question 5.

7. If the vendor has subcontractors, but the vendor is invoicing us for all subcontractors rolled up, where do we report "total payments" - under the prime vendor or does the vendor have to give us data on their payments to each subcontractor? That data would not likely match since the vendor is getting a mark-up on the subcontractor labor and materials.

Please see answer to Question 5.

8. So we would essentially treat the vendor's subcontractor labor as if they were working for the vendor. For example if XYZ ESCO subbed work out to XYZ Mechanical, we would report XYZ Mechanical's labor hours as XYZ ESCO labor hours, correct?

Please see answer to Question 5.

9. How do we submit the monthly report? Do we E-Mail the spreadsheet to the project manager?

The monthly report is a different reporting requirement than the topic of this webinar. The monthly report should be sent via email and U.S. mail to the DOER contract manager.

10. How does a sub-recipient vendor make a profit if he has to submit actual invoices? How does he pass along his markup?

This is up to the sub-recipient vendor.

11. We've been told to submit monthly in by the 10th of the following month. You are now saying quarterly reporting is needed. Which is it?

It is both. The monthly report is submitted to DOER on the 10th day of the month following the month activities. The Massachusetts Stimulus Quarterly Reporting Database quarterly report is a requirement of the Massachusetts Recovery Office and is submitted directly to them via the online database at www.mass.gov/recovery/reporting.

12. Even if you do not plan to charge the project for time, do you need to enter time?

If hours were worked but no payments have been made yet, the town should enter the time. State contracts are traditionally structured so that payment is made once an invoice for completed work has been received. This naturally builds in a lag between when work is performed and payment is made. We are reporting total hours worked in the current quarter, from April 1 through June 30, which won't be updated next quarter.

If the EECBG grant is not used to pay for any personnel costs, then no hours should be entered. Only hours supported by EECBG funds should be entered into the database.

13. I may have missed this point but is this required in addition to our monthly report?

Yes, see answer to Question 11.

14. For muni's that are using EECBG grant to buy down a performance contract and they are only at the IGA stage, do they need to report this information at this time or wait until a Performance Contract agreement is signed?
15. *If job hours funded by the EECBG grant were worked in this reporting period, they should be reported in this quarterly report.* Is this the same reporting requirement for owner's agents?

Owner's agents funded by ARRA should report job hours and information in this database.

16. Does contact person have to match what was in our original proposal?

No.

17. Please confirm for monthly reporting due today what is closing date for work done/\$\$spent. If none taken place do you have to file?

For the monthly report due to the DOER contract manager, the closing date is the last day of the previous month, in this case May 31. If no hours have been charged to the contract, the Grantee should submit the report with only the narrative section completed.

18. Demographic page is just for city/town employees involved?

The demographic page is for persons with job hours funded by ARRA. Each section of the demographics tab should total up to the control total for that section, as applicable. First, identify how many hours/headcount were worked by Massachusetts residents, then the age breakout, gender, race and disability status. If a total of 500 hours were worked by 4 individuals on the main page, those 500 hours and headcount of 4 should be repeated in each subsection.

19. This information is for the sub-recipients only? Not for the vendor? What if no jobs are created or retained for the sub-recipient? In our case, the only person(s) being paid with this money is the vendor doing the actual work. I'm confused.

This reporting requirement is for jobs and job hours funded by the EECBG grant. for the sub-recipient and/or for the sub-recipient vendor. If a sub-recipient has contracted with a sub-contractor or general contractor to do some work, that contractor would be classified as a sub-recipient vendor and those hours must be reported in the database. DOER has provided the town (sub-recipient) with forms to be provided to the sub-recipient vendor to compile the information necessary for the online report After the vendor completes the forms and returns them to

the town, the town can then complete the quarterly report using the online form at www.mass.gov/recovery/reporting.

20. Regarding the monthly report, if there is no activity is it still required to be filed?

Yes. If no activity at all has occurred then the report should be filed noting that no activity has occurred. However, DOER would like to know about all activity, including progress such as procurement progress, selecting a vendor, etc. Use the narrative section to describe progress and send report via email and U.S. mail to the DOER contract manager.

OTHER QUESTIONS

Q: Regarding Davis Bacon/Prevailing Wage requirements, the Town cannot access wage rates for dates prior to April 12, 2010.

A: *The Town should be able to find archived Davis Bacon wage determinations at this website: <http://www.wdol.gov/archdba.aspx>. Updates to Davis Bacon wage determinations are made weekly; not all wages are subject to change every week but if there is going to be a change, it will be posted Friday mornings by the Department of Labor. Vendors are required to use the most recent Davis Bacon wages and check them against the MA prevailing wages, paying the higher of the two.*

Q: The EECBG has granted \$144,070. in funding to the Town for Solar Photovoltaic System and Thermal Efficiency and Heating System Replacement for their Town Highway Garage. Deborah Anderson of the Attorney General's Office has stated that this project is subject to MGL c. 149 Public Building Construction Laws. In complying with the public building construction law the town is required to provide complete bid documents that include plans and specifications for the project in the invitation for bids for both Filed Sub-Bidders and General Bids. These plans and specifications (Bid Documents) would be developed by a design firm contracted by the town specifically for the above mentioned project. The EECBG grant states that no more than 10% of the total grant amount can be used for administrative services. Can a portion of the grant funds also be used for Designer Services directly related to and required for the completion of the project? If so, what would be the percent or dollar limit for such services?

A: *Design services would not be categorized as administrative, so there is no limit to the funding they use for design services. Administrative functions are project management and bookkeeping in nature, tracking the project for the town to make sure all reporting is completed and that the project is done on time and on schedule.*

Q: Will the recipients be held to their estimated allocation (i.e. a certain percentage from EECBG and a certain percentage from other sources) that they fill out on the budget sheet? Or is this an estimated guideline?

A: *Revisions to the EECBG allocations in the budget may be allowed after review and approval by the Contract Manager. DOER recognizes that budgets may need to be revised after procurements are complete and a contract has been finalized with the vendor.*

Q: Are clerk of the works payments (estimated at 5%) covered under the administrative costs? (EECBG allows up to 10% for administrative costs.)

A: Yes.

Q: In the Vendor Weekly Reporting Spreadsheet, on the page for Vendor Statement of Compliance, what information should be included in line 7 and line 16?

A: *The vendor should fill in the company name on line 7, and it will automatically fill in line 16 with the company name.*

Q: Do DCAM rules that apply to municipalities for projects over a certain size apply to this project if it is a PPA?

A: *If the town is using 25A then any bidder must be DCAM certified no matter the size of the project.*

Q: Can a town use one Request for Proposals (RFP) which combines an EECBG project at the high school with two other town solar projects? Does that bring ARRA requirements to the other two non-EECBG projects?

A: *If the town is using Chapter 149, they will need to call the Attorney General's office. If the town is using Chapter 25A Section 11C, then the town can combine the projects but should segregate the high school project and report on that separately for ARRA. Within the PPA (which will cover all buildings) the town will need to show that the EECBG funding is for the high school project and segregate this project. The town does not need to issue a separate RFP; however, the town should spell out the requirements for ARRA in the RFP. The ARRA requirements apply only to the EECBG funded high school project.*

Q: Should the monthly job report include information on ANY job retained or created in relation to the EECBG project, or just jobs that are subject to the Davis-Bacon Act/Prevailing Wage Requirements?

A: *The monthly job reporting is for those jobs funded with EECBG funds.*

Q: What if I cannot find a job classification under the MA Prevailing Wages or Davis Bacon wages for a particular type of work being done. For example, what if I cannot find a job classification for someone doing insulation work? What do I do?

If you cannot find a job classification under the MA Prevailing Wages, and for any questions on the MA Prevailing Wage program, please send an e-mail to Steve.Falcone@state.ma.us or call (617) 626-6953.

*Regarding Davis Bacon wage determinations, **please be advised that the Davis Bacon Residential Weatherization rates cannot be used for the EECBG program.** Per DOE guidance, for insulation work, if no clear category is stated on the wage determinations, then the category of Laborer should be used. Per DOE guidance, for HVAC-duct installation, if no clear wage category is stated on the wage determinations, then the category of HVAC-pipe installation should be used.*

Q: How do we receive the 2nd and final payments for our grant?

A: *The second payment of 25% will be provided after the town has expended at least 40% of its initial 50% disbursement. The town should make a request to their DOER Contract Manager for the 2nd disbursement demonstrating that the appropriate amount of funds have been expended. ALL reporting requirements must be met in order for this to happen. The final payment of 25% will be provided after the project is complete and all invoices have been submitted. Again, ALL reporting requirements must be met, including a Final Report.*

Q: Are EECBG grant awardees eligible for Commonwealth Solar Stimulus II rebates if their PV system is under 10 kW?

A: *For projects 10 kW and under using this program below <http://www.masscec.com/index.cfm/page/Commonwealth-Solar-II/cdid/11241/pid/11159> it should not be an issue as this rebate is not ARRA stimulus funded.*